

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15284 of 2022

Nurjahan Praween wife of Isteyak Alam, Resident of Village- Donaiya,
Village- Panchayat- Dumarrichatti, Police Station- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate cum the Chairman District Level Selection Committee, Gaya.
4. The District Supply Officer cum the Secretary District Level Selection Committee, District- Gaya.
5. The Sub Divisional Officer cum The Licensing Authority, Sadar Gaya.
6. Reeta Kumari, wife of Rajesh Kumar, resident of Village- Halmata Tola Buttu Bigha, P.O.- Fatehpur, P.S.- Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (AAG5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-07-2026

1. The petitioner has filed the Writ petition
for the following reliefs:

1. That the present writ petition is being filed for order (s), direction (s) to quash the order dated 08-09-2022 passed by the Divisional Commissioner, Magadh Division, Gaya in Supply Revision case No. 04



of 2022 whereby he has pleased to reject both the order dated 30-07-2019 passed by the Sub Divisional Officer, Sadar Gaya and order dated 20-12-2021 passed by the District Magistrate, Gaya in Supply Appeal No. 21/2019 and direction has been issued to the Sub Divisional Officer, Sadar Gaya to issue P.D.S. license to the privet respondent No. 6 against the related vacancy putting his wrong interpretation on reservation provided under sub rule (iv) of rule 6 of the Bihar Targeted P.D.S. (Control) Order, 2016.

2. At the outset, the Learned counsel for the petitioner draws the attention of this Court to Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

“32. (vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of



this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit.”

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and effective remedy of filing a representation before the Principal Secretary, under Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control)



Order, 2016 against the impugned order. The present writ petition is disposed off granting liberty to the petitioner to file a representation before the Principal Secretary challenging the order of the Revisional/Appellate Authority and order of cancellation withing a period of two months from today. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law.

6. Further, if there is any delay in preferring the representation, the authority shall liberally construe the limitation period as the petitioner has approached this Court within time.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed within a period of two months from the date of receipt of the representation. Any order passed shall be communicated to the party.

8. With the above observations, the present writ petition stands disposed of



9. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Aryan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.07.2026
Transmission Date	N/A

